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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/615,753

07/09/2003

Marcel J.G. Janssen

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23455 7590 07/23/2007  
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EXAMINER

BULLOCK, IN SUK C

ART UNIT

PAPER NUMBER

1764

MAIL DATE

DELIVERY MODE

07/23/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Advisory Action**  
**Before the Filing of an Appeal Brief**

Application No.

10/615,753

Applicant(s)

JANSSEN ET AL.

Examiner

In Suk Bullock

Art Unit

1764

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 22 June 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_  
Claim(s) objected to: \_\_\_\_\_  
Claim(s) rejected: 51-58, 60-68 and 70-135.  
Claim(s) withdrawn from consideration: \_\_\_\_\_

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_  
13. ☐ Other: \_\_\_\_\_

Continuation of 3. NOTE: Amendment to claims 92, 93, 128 and 130 require further consideration and/or search because the scope of these claims have been changed. With regard to independent claim 92 and claim 93 which depends from 92, the scope of these claims have been narrowed to the selection of template. With regard to claim 128, the claim went from broad class of "heated system" to a narrow class of "storage environment or regenerator". With regard to claim 130, the claim went from a group of "storing, transporting or loading" to a narrow group of "storing and transporting . . . or loading". These amendments require further consideration and/or search.

Continuation of 11. does NOT place the application in condition for allowance because: the arguments are not persuasive.

The argument that Lewis is not concerned with the problem of catalyst deactivation caused by contact with moisture and to prevent catalyst deactivation during storage, transport, or loading of the catalyst was addressed in the Final Office Action mailed 5/3/07 (page 6, 1st paragraph).

The argument, with regard to claim 51, that in Lewis the catalyst is not "loaded" into a heated system because it is, in fact, already in a reactor because of in situ regeneration is not persuasive because Lewis also discloses ex situ regeneration (col. 3, lines 11-16 and col. 3, line 54 to col. 4, line 5). Upon activation by ex situ regeneration, the catalyst would then be "loaded" into a heated reactor.


With regard to claim 61, it is argued that Lewis is completely silent as to what happens to the catalyst in the reactor before the start of the conversion reaction and that there is no disclosure of exposing the activated catalyst to moisture before the conversion reaction is initiated. The arguments are not persuasive because Lewis discloses heating the catalyst to a temperature of 500 deg C before the initiation of the conversion reaction. Lewis, also, discloses introducing a diluent (i.e., steam) into the reaction zone separately from the feedstock (col. 20, lines 50-51). This teaching by Lewis would encompass introducing steam into the reaction zone before the methanol feedstock is introduced. Hence, the activated catalyst which is in a heated system would be first contacted by steam (i.e., exposed to moisture) followed by methanol.

With regard to claims 71, 103, and 113, it is argued that the activated catalyst in Lewis is initially loaded into a reactor not a "storage environment". This argument, too, is not persuasive because a "storage environment" is any container which holds anything for any determinable length of time. Thus, the reactor is a "storage environment".

With regard to claims 92, 128, and 130, the arguments are directed to non-entered amendment.

With regard to the argument directed to methanol uptake characteristic, this is not persuasive for the reasons as set forth in the Final Office Action.

With regard to the provisional double patenting rejection, Applicants' submission of Terminal Disclaimer has been accepted and, therefore, obviates the obviousness-type double patenting rejection.



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